

House Engrossed Senate Bill

State of Arizona
Senate
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First Regular Session
2001

CHAPTER 241
SENATE BILL 1482

AN ACT

AMENDING SECTIONS 15-203, 15-350, 15-514, 15-534, 15-550, 15-1330, 41-1092.02
AND 41-1750, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF
EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-203, Arizona Revised Statutes, is amended to
3 read:

4 15-203. Powers and duties

5 A. The state board of education shall:

- 6 1. Exercise general supervision over and regulate the conduct of the
7 public school system.
- 8 2. Keep a record of its proceedings.
- 9 3. Make rules for its own government.
- 10 4. Determine the policy and work undertaken by it.
- 11 5. Appoint its employees, on the recommendation of the superintendent
12 of public instruction.
- 13 6. Prescribe the duties of its employees if not prescribed by statute.
- 14 7. Delegate to the superintendent of public instruction the execution
15 of board policies.
- 16 8. Recommend to the legislature changes or additions to the statutes
17 pertaining to schools.
- 18 9. Prepare, publish and distribute reports concerning the educational
19 welfare of this state.
- 20 10. Prepare a budget for expenditures necessary for proper maintenance
21 of the board and accomplishment of its purposes and present the budget to the
22 legislature.
- 23 11. Aid in the enforcement of laws relating to schools.
- 24 12. Prescribe a minimum course of study in the common schools, minimum
25 competency requirements for the promotion of pupils from the third grade and
26 minimum course of study and competency requirements for the promotion of
27 pupils from the eighth grade. The state board of education shall prepare a
28 fiscal impact statement of any proposed changes to the minimum course of
29 study or competency requirements and, on completion, shall send a copy to the
30 director of the joint legislative budget committee and the executive director
31 of the school facilities board. The state board of education shall not adopt
32 any changes in the minimum course of study or competency requirements in
33 effect on July 1, 1998 that will have a fiscal impact on school capital
34 costs.
- 35 13. Prescribe minimum course of study and competency requirements for
36 the graduation of pupils from high school. The state board of education
37 shall prepare a fiscal impact statement of any proposed changes to the
38 minimum course of study or competency requirements and, on completion, shall
39 send a copy to the director of the joint legislative budget committee and the
40 executive director of the school facilities board. The state board of
41 education shall not adopt any changes in the minimum course of study or
42 competency requirements in effect on July 1, 1998 that will have a fiscal
43 impact on school capital costs.
- 44 14. Supervise and control the certification of persons engaged in
45 instructional work directly as any classroom, laboratory or other teacher or

1 indirectly as a supervisory teacher, speech therapist, principal or
2 superintendent in a school district, including school district preschool
3 programs, or any other educational institution below the community college,
4 college or university level, and prescribe rules for certification, including
5 rules for certification of teachers who have teaching experience and who are
6 trained in other states, which are not unnecessarily restrictive and are
7 substantially similar to the rules prescribed for the certification of
8 teachers trained in this state. Until July 1, 2006, the rules shall require
9 applicants for all certificates for common school instruction to complete a
10 minimum of forty-five classroom hours or three college level credit hours,
11 or the equivalent, of training in research based systematic phonics
12 instruction from a public or private provider. The rules shall not require
13 a teacher to obtain a master's degree or to take any additional graduate
14 courses as a condition of certification or recertification.

15 15. Adopt a list of approved tests for determining special education
16 assistance to gifted students as defined in section 15-761 and as provided
17 in section 15-764. The adopted tests shall provide separate scores for
18 quantitative reasoning, verbal reasoning and nonverbal reasoning and shall
19 be capable of providing reliable and valid scores at the highest ranges of
20 the score distribution.

21 16. Adopt rules governing the methods for the administration of all
22 proficiency examinations.

23 17. Adopt proficiency examinations for its use. The state board of
24 education shall determine the passing score for the proficiency examination.

25 18. Include within its budget the cost of contracting for the purchase,
26 distribution and scoring of the examinations as provided in paragraphs 16 and
27 17 of this subsection.

28 19. Supervise and control the qualifications of professional
29 nonteaching school personnel and prescribe standards relating to
30 qualifications.

31 20. Impose such disciplinary action, including the issuance of a letter
32 of censure, suspension, suspension with conditions or revocation of a
33 certificate, upon a finding of immoral or unprofessional conduct.

34 21. Establish an assessment, data gathering and reporting system for
35 pupil performance as prescribed in chapter 7, article 3 of this title.

36 22. Adopt a rule to promote braille literacy pursuant to section
37 15-214.

38 23. Adopt rules prescribing procedures for the investigation by the
39 department of education of every written complaint alleging that a
40 certificated person has engaged in immoral conduct.

41 24. For purposes of federal law, serve as the state board for
42 vocational and technological education and meet at least four times each year
43 solely to execute the powers and duties of the state board for vocational and
44 technological education.

1 25. Develop and maintain a handbook for use in the schools of this
2 state that provides guidance for the teaching of moral, civic and ethical
3 education. The handbook shall promote existing curriculum frameworks and
4 shall encourage school districts to recognize moral, civic and ethical values
5 within instructional and programmatic educational development programs for
6 the general purpose of instilling character and ethical principles in pupils
7 in kindergarten programs and grades one through twelve.

8 26. Require pupils to recite the following passage from the declaration
9 of independence for pupils in grades four through six at the commencement of
10 the first class of the day in the schools, except that a pupil shall not be
11 required to participate if the pupil or the pupil's parent or guardian
12 objects:

13 We hold these truths to be self-evident, that all men are
14 created equal, that they are endowed by their creator with
15 certain unalienable rights, that among these are life, liberty
16 and the pursuit of happiness. That to secure these rights,
17 governments are instituted among men, deriving their just powers
18 from the consent of the governed. . . .

19 27. By July 1, 2000, adopt rules which provide for teacher
20 certification reciprocity. The rules shall provide for a one year reciprocal
21 teaching certificate with minimum requirements including valid teacher
22 certification from a state with substantially similar criminal history or
23 teacher fingerprinting requirements and proof of the submission of an
24 application for a class one or class two fingerprint clearance card pursuant
25 to title 41, chapter 12, article 3.1.

26 28. BY DECEMBER 1, 2001, ADOPT RULES TO DEFINE AND PROVIDE GUIDANCE TO
27 SCHOOLS AS TO THE ACTIVITIES THAT WOULD CONSTITUTE IMMORAL OR UNPROFESSIONAL
28 CONDUCT OF CERTIFICATED PERSONS.

29 B. The state board of education may:

30 1. Contract.

31 2. Sue and be sued.

32 3. Distribute and score the tests prescribed in chapter 7, article 3
33 of this title.

34 4. Provide for an advisory committee ~~and administrative law judges~~ to
35 conduct hearings AND SCREENINGS to determine whether grounds exist to impose
36 disciplinary action against a certificated person, ~~and whether grounds exist~~
37 to reinstate a revoked or surrendered certificate AND WHETHER GROUNDS EXIST
38 TO APPROVE OR DENY AN INITIAL APPLICATION FOR CERTIFICATION OR A REQUEST FOR
39 RENEWAL OF A CERTIFICATE. The board may delegate its responsibility to
40 conduct hearings AND SCREENINGS to its advisory committee ~~and to~~
41 ~~administrative law judges~~. Hearings shall be conducted pursuant to title 41,
42 chapter 6, article 10 6.

43 5. Proceed with the disposal of any complaint requesting disciplinary
44 action or with any disciplinary action against a person holding a certificate
45 as prescribed in subsection A, paragraph 14 of this section after the

1 suspension or expiration of the certificate or surrender of the certificate
2 by the holder.

3 6. Assess costs and reasonable attorney fees against a person who
4 files a frivolous complaint or who files a complaint in bad faith. Costs
5 assessed pursuant to this paragraph shall not exceed the expenses incurred
6 by the state board in the investigation of the complaint.

7 Sec. 2. Section 15-350, Arizona Revised Statutes, is amended to read:
8 15-350. Investigation of immoral or unprofessional conduct;

9 confidentiality

10 A. On request of the state board of education, any school OR SCHOOL
11 district that has employed a certificated person during the time in which the
12 person is alleged to have engaged in conduct constituting grounds for
13 disciplinary action shall make available the attendance and testimony of
14 witnesses, documents and any physical evidence within the school district's
15 control for examination or copying. All information received and records or
16 reports kept by the state board of education during an investigation of
17 immoral or unprofessional conduct are confidential and are not a public
18 record.

19 B. Notwithstanding subsection A OF THIS SECTION, the state board of
20 education may provide information, records or reports relating to the
21 investigation of a certificate holder to any school OR SCHOOL district or
22 ~~other public school~~ that currently employs the certificate holder. All
23 information, records or reports received by any school OR SCHOOL district or
24 ~~other public school~~ pursuant to this subsection shall be used for employment
25 purposes only, are confidential and are not a public record.

26 C. AN INVESTIGATOR WHO IS REGULARLY EMPLOYED AND PAID BY THE STATE
27 BOARD OF EDUCATION HAS THE AUTHORITY TO ACCESS CRIMINAL HISTORY RECORDS AND
28 CRIMINAL HISTORY RECORD INFORMATION, AS DEFINED IN SECTION 41-1750, FROM LAW
29 ENFORCEMENT AGENCIES.

30 Sec. 3. Section 15-514, Arizona Revised Statutes, is amended to read:
31 15-514. Reports of immoral or unprofessional conduct; immunity

32 A. Any certificated person or governing board member who ~~has~~
33 ~~reasonable grounds to believe~~ REASONABLY SUSPECTS OR RECEIVES A REASONABLE
34 ALLEGATION that a person certificated by the state board of education has
35 engaged in conduct involving minors that would be subject to the reporting
36 requirements of section 13-3620 shall report or cause reports to be made to
37 the department of education in writing ~~within seventy-two hours of the report~~
38 ~~made pursuant to section 13-3620~~ AS SOON AS IS REASONABLY PRACTICABLE BUT NOT
39 LATER THAN THREE BUSINESS DAYS AFTER THE PERSON FIRST SUSPECTS OR RECEIVES
40 AN ALLEGATION OF THE CONDUCT.

41 B. The superintendent of a school district or the chief administrator
42 of a charter school who ~~has reasonable grounds to believe~~ REASONABLY SUSPECTS
43 OR RECEIVES A REASONABLE ALLEGATION that an act of immoral OR UNPROFESSIONAL
44 conduct that would constitute grounds for dismissal or criminal charges by

1 a certificated person has occurred shall report the conduct to the department
2 of education.

3 C. A certificated person ~~or governing board member~~ who reports or
4 provides information PURSUANT TO THIS SECTION regarding the immoral OR
5 UNPROFESSIONAL conduct of a certificated person ~~to the department of~~
6 education in good faith is not subject to an action for civil damages as a
7 result.

8 D. A governing board or school OR SCHOOL district employee who has
9 control over personnel decisions shall not take unlawful reprisal against an
10 employee because the employee reports in good faith information as required
11 by this section. For the purposes of this subsection "unlawful reprisal"
12 means an action that is taken by a governing board as a direct result of a
13 lawful report pursuant to this section and, with respect to the employee,
14 results in one or more of the following:

15 1. Disciplinary action.

16 2. Transfer or reassignment.

17 3. Suspension, demotion or dismissal.

18 4. An unfavorable performance evaluation.

19 5. Other significant changes in duties or responsibilities that are
20 inconsistent with the employee's salary or employment classification.

21 E. Failure to report information as required by this section by a
22 certificated person constitutes grounds for disciplinary action by the state
23 board of education.

24 F. A GOVERNING BOARD OR SCHOOL DISTRICT EMPLOYEE WHO HAS CONTROL OVER
25 PERSONNEL DECISIONS AND WHO REASONABLY SUSPECTS OR RECEIVES A REASONABLE
26 ALLEGATION THAT A PERSON CERTIFICATED BY THE STATE BOARD OF EDUCATION HAS
27 ENGAGED IN CONDUCT INVOLVING MINORS THAT WOULD BE SUBJECT TO THE REPORTING
28 REQUIREMENTS OF SECTION 13-3620 AND THIS ARTICLE SHALL NOT ACCEPT THE
29 RESIGNATION OF THE CERTIFICATE HOLDER UNTIL THESE SUSPICIONS OR ALLEGATIONS
30 HAVE BEEN REPORTED TO THE STATE BOARD OF EDUCATION.

31 Sec. 4. Section 15-534, Arizona Revised Statutes, is amended to read:

32 15-534. Fingerprinting; affidavit; violation; classification

33 A. A person who applies for a certificate as prescribed in section
34 15-203 shall have a valid class one or class two fingerprint clearance card
35 that is issued pursuant to title 41, chapter 12, article 3.1. Applicants for
36 renewal of any certificate shall meet one of the following requirements:

37 1. Have a valid class one or class two fingerprint clearance card
38 issued pursuant to title 41, chapter 12, article 3.1.

39 2. Provide proof of the submission of an application for a class one
40 or class two fingerprint clearance card.

41 3. ~~Received~~ HAVE a class one or class two fingerprint clearance card
42 issued pursuant to title 41, chapter 12, article 3.1, for the purposes of
43 certification by the state board of education.

1 B. A person who already holds a certificate as provided in section
2 15-203 and who applies for additional certificates shall not be required to
3 be fingerprinted.

4 ~~B. Applicants shall certify on forms that are provided by the~~
5 ~~department of education whether they are awaiting trial on or have ever been~~
6 ~~convicted of any of the following criminal offenses in this state or similar~~
7 ~~offenses in another state or jurisdiction:~~

- 8 ~~1. Sexual abuse of a minor.~~
- 9 ~~2. Incest.~~
- 10 ~~3. First or second degree murder.~~
- 11 ~~4. Kidnapping.~~
- 12 ~~5. Arson.~~
- 13 ~~6. Sexual assault.~~
- 14 ~~7. Sexual exploitation of a minor.~~
- 15 ~~8. Felony offenses involving contributing to the delinquency of a~~
16 ~~minor.~~
- 17 ~~9. Commercial sexual exploitation of a minor.~~
- 18 ~~10. Felony offenses involving sale, distribution or transportation of,~~
19 ~~offer to sell, transport or distribute or conspiracy to sell, transport or~~
20 ~~distribute marijuana, dangerous drugs or narcotic drugs.~~
- 21 ~~11. Felony offenses involving the possession or use of marijuana,~~
22 ~~dangerous drugs or narcotic drugs.~~
- 23 ~~12. Burglary.~~
- 24 ~~13. Aggravated or armed robbery.~~
- 25 ~~14. Robbery.~~
- 26 ~~15. A dangerous crime against children as defined in section~~
27 ~~13-604.01.~~
- 28 ~~16. Child abuse.~~
- 29 ~~17. Sexual conduct with a minor.~~
- 30 ~~18. Molestation of a child.~~
- 31 ~~19. Manslaughter.~~
- 32 ~~20. Assault or aggravated assault.~~
- 33 ~~21. Exploitation of minors involving drug offenses.~~
- 34 ~~22. A violation of section 28-1381, 28-1382 or 28-1383.~~
- 35 ~~23. Offenses involving domestic violence.~~

36 C. The state board of education may review, and may revoke, or not
37 AND DETERMINE WHETHER TO renew OR NOT ISSUE the certificate of a person who
38 has been convicted of or admitted in open court or pursuant to a plea
39 agreement committing any of the criminal offenses prescribed in subsection
40 B of this section or a similar offense in another jurisdiction A CERTIFICATE
41 TO AN APPLICANT FOR CERTIFICATION ON A FINDING THAT THE APPLICANT ENGAGED IN
42 CONDUCT THAT IS IMMORAL OR UNPROFESSIONAL OR ENGAGED IN CONDUCT THAT WOULD
43 WARRANT DISCIPLINARY ACTION IF THE PERSON HAD BEEN CERTIFIED AT THE TIME THAT
44 THE ALLEGED CONDUCT OCCURRED. The board shall prescribe guidelines for the
45 review THIS process. including a list of offenses that are not subject to

1 review. In considering whether to revoke or not renew the certification of
2 a person, the state board shall take into account the following factors:

3 1. The nature of the crime and the potential for crimes against
4 children.

5 2. Offenses that were committed as a minor and for which proceedings
6 were held under the jurisdiction of a juvenile or adult court.

7 3. Offenses that have been expunged by a court of competent
8 jurisdiction, if the person has been pardoned or if the person's sentence has
9 been commuted.

10 4. The employment record of the person since the commission of the
11 crime if the crime was committed more than ten years before the state board's
12 review of the person's certification.

13 5. The reliability of the evidence of an admission of a crime unless
14 made under oath in a court of competent jurisdiction.

15 6. Fingerprints may be submitted up to eighteen months before the
16 time of application for certification.

17 D. THE STATE BOARD OF EDUCATION MAY TAKE DISCIPLINARY ACTION AGAINST
18 OR NOT RENEW THE CERTIFICATE OF A PERSON ON A FINDING THAT THE CERTIFICATED
19 PERSON ENGAGED IN CONDUCT THAT IS IMMORAL OR UNPROFESSIONAL OR ENGAGED IN
20 CONDUCT THAT WOULD WARRANT DISCIPLINARY ACTION IF THE PERSON HAD BEEN
21 CERTIFIED AT THE TIME THAT THE ALLEGED CONDUCT OCCURRED. THE BOARD SHALL
22 PRESCRIBE GUIDELINES FOR THIS PROCESS.

23 E. The department of education may issue conditional certification
24 before an applicant has obtained a valid class one or class two fingerprint
25 clearance card. The state board of education may revoke conditional
26 certification if the information on the form provided under subsection B of
27 this section APPLICATION FOR A CONDITIONAL CERTIFICATE is false or incomplete
28 or the applicant is denied a class one or class two fingerprint clearance
29 card. In addition to any other conditions or requirements deemed necessary
30 by the superintendent of public instruction to protect the health and safety
31 of pupils, conditional certification shall be issued before the applicant
32 obtains a class one or class two fingerprint clearance card if all of the
33 following conditions are met:

34 1. The school district that is seeking to hire the applicant verifies
35 in writing on a form developed by the department of education the necessity
36 for hiring and placement of the applicant before a fingerprint check is
37 completed.

38 2. The school district that is seeking to hire the applicant performs
39 all of the following:

40 (a) Ensures that the department of public safety completes a
41 statewide criminal history record information check on the applicant. A
42 statewide criminal history record information check shall be completed by the
43 department of public safety every one hundred twenty days until the date that
44 the fingerprint check is completed.

1 (b) Completes a search of criminal records in all local jurisdictions
2 outside of this state in which the applicant has lived in the previous five
3 years.

4 (c) Obtains references from the applicant's current employer and two
5 most recent previous employers except for applicants who have been employed
6 for at least five years by the applicant's most recent employer.

7 (d) Provides general supervision of the applicant until the applicant
8 receives permanent certification from the department of education.

9 F. The state board of education shall notify the department of public
10 safety if the state board of education receives credible evidence that a
11 person who possesses a valid class one or class two fingerprint clearance
12 card either:

13 1. Is arrested for or charged with an offense listed in section
14 41-1758.03, subsection B or F.

15 2. Falsified information on the form required by subsection B of this
16 section.

17 G. A person who makes a false statement, representation or
18 certification in any application for certification is guilty of a class 3
19 misdemeanor.

20 Sec. 5. Section 15-550, Arizona Revised Statutes, is amended to read:

21 15-550. Conviction as unprofessional conduct; penalty

22 ~~A. A teacher who fails to comply with this article, except sections~~
23 ~~15-531 and 15-510, is guilty of unprofessional conduct and his certificate~~
24 ~~shall be revoked.~~

25 ~~B.~~ A. A teacher who has been convicted of a dangerous crime against
26 children as defined in section 13-604.01 or has been convicted of a violation
27 of section 13-1404 or 13-1406 in which the victim was a minor or section
28 13-1405 or an act if committed in another state or territory which if
29 committed in this state would have been a dangerous crime against children
30 or a violation of section 13-1404 in which the victim was a minor or a
31 violation of section 13-1405 or 13-1406 is guilty of unprofessional conduct
32 and the teacher's certificate shall be revoked permanently immediately on
33 notification of conviction by the clerk of the court or the magistrate.

34 B. A TEACHER WHO HAS BEEN CONVICTED OF A PREPARATORY OFFENSE AS
35 PRESCRIBED IN SECTION 13-1001 OF ANY OF THE OFFENSES PRESCRIBED IN SUBSECTION
36 A OF THIS SECTION OR ANY CRIME THAT REQUIRES THE TEACHER TO REGISTER AS A SEX
37 OFFENDER IS GUILTY OF UNPROFESSIONAL CONDUCT AND THE TEACHER'S CERTIFICATE
38 SHALL BE PERMANENTLY REVOKED ON NOTIFICATION OF THE CONVICTION BY A COURT OF
39 COMPETENT JURISDICTION.

40 Sec. 6. Section 15-1330, Arizona Revised Statutes, is amended to read:

41 15-1330. Fingerprinting personnel; affidavit

42 A. CERTIFICATED personnel employed by the schools shall have valid
43 class one or class two fingerprint clearance cards issued pursuant to title
44 41, chapter 12, article 3.1 or shall apply for a class one or class two
45 fingerprint clearance card within seven working days of employment. For

~~personnel required to be fingerprinted as a condition of certification or licensing for employment, the schools may satisfy the requirements of this subsection by accepting the issuance of the certificate or license. Employment with the schools is conditioned on the results of the fingerprint check and maintenance of the certificate or license required for employment.~~

~~B. Personnel employed by the schools shall certify on forms that are provided by the schools and notarized that they are not awaiting trial on and have never been convicted of any criminal offenses in this state or similar offenses in another state or jurisdiction as specified in section 15-534, subsection B.~~

B. IN ADDITION TO THE FINGERPRINT REQUIREMENT IN SUBSECTION A OF THIS SECTION, CERTIFICATED EMPLOYEES SHALL SUBMIT A SECOND SET OF FINGERPRINTS TO THE SCHOOL FOR THE PURPOSES OF OBTAINING STATE AND FEDERAL CRIMINAL RECORDS CHECKS. EMPLOYMENT WITH THE SCHOOLS IS CONDITIONED ON THE RESULTS OF THE FINGERPRINT CHECK REQUIRED UNDER THIS SUBSECTION AND THE MAINTENANCE OF THE CERTIFICATE OR LICENSE REQUIRED FOR EMPLOYMENT. FINGERPRINT CHECKS SHALL BE CONDUCTED PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE FINGERPRINTS SHALL BE SUBMITTED ON THE FORM PRESCRIBED BY THE SCHOOL.

C. NONCERTIFICATED PERSONNEL EMPLOYED BY THE SCHOOLS AND NONPAID PERSONNEL WORKING IN THE SCHOOLS SHALL BE FINGERPRINTED AS A CONDITION OF EMPLOYMENT FOR THE PURPOSE OF OBTAINING STATE AND FEDERAL CRIMINAL RECORDS CHECKS. NONCERTIFICATED EMPLOYEES AND NONPAID PERSONNEL SHALL SUBMIT FINGERPRINTS ON THE FORM PRESCRIBED BY THE SCHOOL TO THE SUPERINTENDENT WITHIN TWENTY DAYS AFTER THE DATE AN EMPLOYEE BEGINS WORK. EMPLOYMENT WITH THE SCHOOLS IS CONDITIONED ON THE RESULTS OF THE FINGERPRINT CHECK. FINGERPRINT CHECKS SHALL BE CONDUCTED PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544.

D. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THE FINGERPRINT DATA COLLECTED PURSUANT TO SUBSECTIONS B AND C OF THIS SECTION WITH THE FEDERAL BUREAU OF INVESTIGATION.

E. THE SCHOOLS MAY CHARGE THE EMPLOYEE OR NONPAID PERSONNEL FOR THE COSTS OF THE FINGERPRINT CHECKS.

F. PERSONNEL EMPLOYED BY THE SCHOOLS SHALL CERTIFY ON FORMS THAT ARE PROVIDED BY THE SCHOOLS AND NOTARIZED THAT THEY ARE NOT AWAITING TRIAL ON AND HAVE NEVER BEEN CONVICTED OF OR ADMITTED IN OPEN COURT OR PURSUANT TO A PLEA AGREEMENT OF COMMITTING ANY CRIMINAL OFFENSES IN THIS STATE OR SIMILAR OFFENSES IN ANOTHER STATE OR JURISDICTION AS SPECIFIED IN SECTION 41-1758.03, SUBSECTIONS B, C AND F.

G. Before employment, the schools shall make documented, good faith efforts to contact previous employers of personnel to obtain information and recommendations which may be relevant to a person's fitness for employment. For certificated personnel, the schools shall MAY also contact the department of education to obtain information THAT IS contained in the person's certification record AND that may be relevant to the person's fitness for employment. For persons in other positions that require

1 licensing, the schools shall MAY also contact the agency that issued the
2 license for information relevant to the person's fitness for employment.
3 Agencies and previous employers that provide information pursuant to this
4 subsection are immune from civil liability unless the information provided
5 is false and is acted on to the detriment of the employment applicant by the
6 schools and the previous employer or agency knows the information is false
7 or acts with reckless disregard of the truth or falsity of the information.
8 Employees who rely on information obtained pursuant to this subsection in
9 making employment decisions are immune from civil liability unless the
10 information obtained is false and the employee knows the information is false
11 or acts with reckless disregard of the truth or falsity of the information.

12 ~~0.~~ H. The superintendent shall notify the department of public safety
13 if the superintendent receives credible evidence that a person who possesses
14 a valid class one or class two fingerprint clearance card either:

15 1. Is arrested for or charged with an offense listed in section
16 41-1758.03, subsection B or F.

17 2. Falsified information on the form required by subsection B- F of
18 this section.

19 Sec. 7. Section 41-1092.02, Arizona Revised Statutes, is amended to
20 read:

21 41-1092.02. Appealable agency actions; application of
22 procedural rules; exemption from article

23 A. This article applies to all contested cases as defined in section
24 41-1001 and all appealable agency actions, except contested cases with or
25 appealable agency actions of:

26 1. The state department of corrections.
27 2. The board of executive clemency.
28 3. The industrial commission of Arizona.
29 4. The Arizona corporation commission.
30 5. The Arizona board of regents and institutions under its
31 jurisdiction.

32 6. The state personnel board.
33 7. The department of juvenile corrections.
34 8. The department of transportation.
35 9. The department of economic security except as provided in sections
36 8-506.01 and 8-811.

37 10. The department of revenue regarding income tax, withholding tax or
38 estate tax or any tax issue related to information associated with the
39 reporting of income tax, withholding tax or estate tax.

40 11. The board of tax appeals.
41 12. The state board of equalization.
42 13. THE STATE BOARD OF EDUCATION.

43 B. Unless waived by all parties, an administrative law judge shall
44 conduct all hearings under this article, and the procedural rules set forth
45 in this article and rules made by the director apply.

1 C. Except as provided in subsection A of this section:

2 1. A contested case heard by the office of administrative hearings
3 regarding taxes administered under title 42 shall be subject to the
4 provisions under section 42-1251.

5 2. A final decision of the office of administrative hearings regarding
6 taxes administered under title 42 may be appealed by either party to the
7 director of the department of revenue, or a taxpayer may file and appeal
8 directly to the board of tax appeals pursuant to section 42-1253.

9 D. Except as provided in subsections A, B, E and F of this section and
10 notwithstanding any other administrative proceeding or judicial review
11 process established in statute or administrative rule, this article applies
12 to all appealable agency actions and to all contested cases.

13 E. Except for a contested case or an appealable agency action
14 regarding unclaimed property, sections 41-1092.03, 41-1092.08 and 41-1092.09
15 do not apply to the department of revenue.

16 F. The board of appeals established by section 37-213 is exempt from
17 the time frames for hearings and decisions provided in section 41-1092.05,
18 subsection A, section 41-1092.08 and section 41-1092.09.

19 Sec. 8. Section 41-1750, Arizona Revised Statutes, is amended to read:

20 41-1750. Central state repository; department of public safety;
21 duties; funds; accounts; definitions

22 A. Notwithstanding section 41-2205, the department is responsible for
23 the effective operation of the central state repository in order to collect,
24 store and disseminate complete and accurate Arizona criminal history records
25 and related criminal justice information. The department shall:

26 1. Procure from all criminal justice agencies in this state accurate
27 and complete personal identification data, fingerprints, charges, process
28 control numbers and dispositions and such other information as may be
29 pertinent to all persons who have been charged with, arrested for, convicted
30 of or summoned to court as a criminal defendant for a felony offense or an
31 offense involving domestic violence as defined in section 13-3601 or a
32 violation of title 13, chapter 14 or title 28, chapter 4.

33 2. Collect information concerning the number and nature of offenses
34 known to have been committed in this state and of the legal steps taken in
35 connection with these offenses, such other information that is useful in the
36 study of crime and in the administration of criminal justice and all other
37 information deemed necessary to operate the statewide uniform crime reporting
38 program and to cooperate with the federal government uniform crime reporting
39 program.

40 3. Collect information concerning criminal offenses that manifest
41 evidence of prejudice based on race, color, religion, national origin, sexual
42 orientation, gender or disability.

43 4. Cooperate with the central state repositories in other states and
44 with the appropriate agency of the federal government in the exchange of
45 information pertinent to violators of the law.

1 5. Ensure the rapid exchange of information concerning the commission
2 of crime and the detection of violators of the law among the criminal justice
3 agencies of other states and of the federal government.

4 6. Furnish assistance to peace officers throughout this state in
5 crime scene investigation for the detection of latent fingerprints and in the
6 comparison of latent fingerprints.

7 7. Conduct periodic operational audits of the central state
8 repository and of a representative sample of other agencies that contribute
9 records to or receive criminal justice information from the central state
10 repository or through the Arizona criminal justice information system.

11 8. Establish and enforce the necessary physical and system safeguards
12 to ensure that the criminal justice information maintained and disseminated
13 by the central state repository or through the Arizona criminal justice
14 information system is appropriately protected from unauthorized inquiry,
15 modification, destruction or dissemination as required by this section.

16 9. Aid and encourage coordination and cooperation among criminal
17 justice agencies through the statewide and interstate exchange of criminal
18 justice information.

19 10. Provide training and proficiency testing on the use of criminal
20 justice information to agencies receiving information from the central state
21 repository or through the Arizona criminal justice information system.

22 11. Operate and maintain the Arizona automated fingerprint
23 identification system established pursuant to section 41-2411.

24 12. Provide criminal history record information to the fingerprinting
25 division for the purpose of screening applicants for fingerprint clearance
26 cards.

27 B. The director may establish guidelines for the submission and
28 retention of criminal justice information as deemed useful for the study or
29 prevention of crime and for the administration of criminal justice.

30 C. The chief officers of criminal justice agencies of this state or
31 its political subdivisions shall provide to the central state repository
32 fingerprints and information concerning personal identification data,
33 descriptions, crimes for which persons are arrested, process control numbers
34 and dispositions and such other information as may be pertinent to all
35 persons who have been charged with, arrested for, convicted of or summoned
36 to court as criminal defendants for felony offenses or offenses involving
37 domestic violence as defined in section 13-3601 or violations of title 13,
38 chapter 14 or title 28, chapter 4 that have occurred in this state.

39 D. The chief officers of law enforcement agencies of this state or
40 its political subdivisions shall provide to the central state repository such
41 information as necessary to operate the statewide uniform crime reporting
42 program and to cooperate with the federal government uniform crime reporting
43 program.

44 E. The chief officers of criminal justice agencies of this state or
45 its political subdivisions shall comply with the training and proficiency

1 testing guidelines as required by the department to comply with the federal
2 national crime information center mandates.

3 F. The chief officers of criminal justice agencies of this state or
4 its political subdivisions also shall provide to the criminal identification
5 section information concerning crimes that manifest evidence of prejudice
6 based on race, color, religion, national origin, sexual orientation, gender
7 or disability.

8 G. The director shall authorize the exchange of criminal justice
9 information between the central state repository, or through the Arizona
10 criminal justice information system, whether directly or through any
11 intermediary, only as follows:

12 1. With criminal justice agencies of the federal government, Indian
13 tribes, this state or its political subdivisions and other states, upon
14 request by the chief officers of such agencies or their designated
15 representatives, specifically for the purposes of the administration of
16 criminal justice and for evaluating the fitness of current and prospective
17 criminal justice employees.

18 2. With any noncriminal justice agency pursuant to a statute,
19 ordinance or executive order that specifically authorizes the noncriminal
20 justice agency to receive criminal history record information for the purpose
21 of evaluating the fitness of current or prospective licensees, employees,
22 contract employees or volunteers, on submission of the subject's fingerprints
23 and the prescribed fee. Each statute, ordinance, or executive order that
24 authorizes noncriminal justice agencies to receive criminal history record
25 information for these purposes shall identify the specific categories of
26 licensees, employees, contract employees or volunteers, and shall require
27 that fingerprints of the specified individuals be submitted in conjunction
28 with such requests for criminal history record information.

29 3. With the board of fingerprinting for the purpose of conducting
30 good cause exceptions pursuant to section 41-619.55.

31 4. With any individual for any lawful purpose on submission of the
32 subject of record's fingerprints and the prescribed fee.

33 5. With the governor, if the governor elects to become actively
34 involved in the investigation of criminal activity or the administration of
35 criminal justice in accordance with the governor's constitutional duty to
36 ensure that the laws are faithfully executed or as needed to carry out the
37 other responsibilities of the governor's office.

38 6. With regional computer centers that maintain authorized
39 computer-to-computer interfaces with the department, that are criminal
40 justice agencies or under the management control of a criminal justice agency
41 and that are established by a statute, ordinance or executive order to
42 provide automated data processing services to criminal justice agencies
43 specifically for the purposes of the administration of criminal justice or
44 evaluating the fitness of regional computer center employees who have access

1 to the Arizona criminal justice information system and the national crime
2 information center system.

3 7. With an individual who asserts a belief that criminal history
4 record information relating to the individual is maintained by an agency or
5 in an information system in this state that is subject to this section. On
6 submission of fingerprints, the individual may review this information for
7 the purpose of determining its accuracy and completeness by making
8 application to the agency operating the system. Rules adopted under this
9 section shall include provisions for administrative review and necessary
10 correction of any inaccurate or incomplete information. The review and
11 challenge process authorized by this paragraph is limited to criminal history
12 record information.

13 8. With individuals and agencies pursuant to a specific agreement
14 with a criminal justice agency to provide services required for the
15 administration of criminal justice pursuant to that agreement if the
16 agreement specifically authorizes access to data, limits the use of data to
17 purposes for which given and ensures the security and confidentiality of the
18 data consistent with the provisions of this section.

19 9. With individuals and agencies for the express purpose of research,
20 evaluative or statistical activities pursuant to an agreement with a criminal
21 justice agency if the agreement specifically authorizes access to data,
22 limits the use of data to research, evaluative or statistical purposes and
23 ensures the confidentiality and security of the data consistent with this
24 section.

25 10. With the auditor general for audit purposes.

26 11. With central state repositories of other states for noncriminal
27 justice purposes for dissemination in accordance with the laws of those
28 states.

29 12. On submission of the fingerprint card, with the department of
30 economic security to provide criminal history record information on
31 prospective adoptive parents for the purpose of conducting the preadoption
32 certification investigation under title 8, chapter 1, article 1 if the
33 department of economic security is conducting the investigation, or with an
34 agency or a person appointed by the court, if the agency or person is
35 conducting the investigation. Information received under this paragraph
36 shall only be used for the purposes of the preadoption certification
37 investigation.

38 13. With the department of economic security and the superior court
39 for the purpose of evaluating the fitness of custodians or prospective
40 custodians of juveniles including parents, relatives and prospective
41 guardians. Information received under this paragraph shall only be used for
42 the purposes of that evaluation. The information shall be provided on
43 submission of either:

44 (a) The fingerprint card.

45 (b) The name, date of birth and social security number of the person.

1 14. On submission of a fingerprint card, provide criminal history
2 record information to the superior court for the purpose of evaluating the
3 fitness of investigators appointed under section 14-5303 or 14-5407, or
4 guardians appointed under section 14-5206.

5 15. With the supreme court to provide criminal history record
6 information on prospective private fiduciaries pursuant to section 14-5651.

7 16. With the department of juvenile corrections to provide criminal
8 history record information pursuant to section 41-2814.

9 17. On submission of the fingerprint card, provide criminal history
10 record information to the Arizona peace officer standards and training board
11 or a board certified law enforcement academy to evaluate the fitness of
12 prospective cadets.

13 18. With the internet sex offender web site database established
14 pursuant to section 13-3827.

15 19. WITH THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF EVALUATING
16 THE FITNESS OF A CERTIFICATED TEACHER OR ADMINISTRATOR OR AN APPLICANT FOR
17 A TEACHING OR AN ADMINISTRATIVE CERTIFICATE PROVIDED THAT THE STATE BOARD OF
18 EDUCATION OR ITS EMPLOYEES OR AGENTS HAVE REASONABLE SUSPICION THAT THE
19 CERTIFICATED PERSON ENGAGED IN CONDUCT THAT WOULD BE A CRIMINAL VIOLATION OF
20 THE LAWS OF THIS STATE OR WAS INVOLVED IN IMMORAL OR UNPROFESSIONAL CONDUCT
21 OR THAT THE APPLICANT ENGAGED IN CONDUCT THAT WOULD WARRANT DISCIPLINARY
22 ACTION IF THE APPLICANT WERE CERTIFICATED AT THE TIME OF THE ALLEGED CONDUCT.
23 THE INFORMATION SHALL BE PROVIDED ON THE SUBMISSION OF EITHER:

24 (a) THE FINGERPRINT CARD.

25 (b) THE NAME, DATE OF BIRTH AND SOCIAL SECURITY NUMBER OF THE PERSON.

26 H. The director shall adopt rules necessary to execute the provisions
27 of this section.

28 I. The director, in the manner prescribed by law, shall remove and
29 destroy records that the director determines are no longer of value in the
30 detection or prevention of crime.

31 J. The director shall establish a fee in an amount necessary to cover
32 the cost of federal noncriminal justice fingerprint processing for criminal
33 history record information checks that are authorized by law for noncriminal
34 justice employment, licensing or other lawful purposes. An additional fee
35 may be charged by the department for state noncriminal justice fingerprint
36 processing. Fees submitted to the department for state noncriminal justice
37 fingerprint processing are not refundable.

38 K. The director shall establish a fee in an amount necessary to cover
39 the cost of processing copies of department reports, eight by ten inch black
40 and white photographs or eight by ten inch color photographs of traffic
41 accident scenes.

42 L. Except as provided in subsection O of this section, each agency
43 authorized by this section may charge a fee, in addition to any other fees
44 prescribed by law, in an amount necessary to cover the cost of state and
45 federal noncriminal justice fingerprint processing for criminal history

1 record information checks that are authorized by law for noncriminal justice
2 employment, licensing or other lawful purposes.

3 M. A fingerprint account within the records processing fund is
4 established for the purpose of separately accounting for the collection and
5 payment of fees for noncriminal justice fingerprint processing by the
6 department. Monies collected for this purpose shall be credited to the
7 account, and payments by the department to the United States for federal
8 noncriminal justice fingerprint processing shall be charged against the
9 account. Monies in the account not required for payment to the United States
10 shall be used by the department in support of the department's noncriminal
11 justice fingerprint processing duties. At the end of each fiscal year, any
12 balance in the account not required for payment to the United States or to
13 support the department's noncriminal justice fingerprint processing duties
14 reverts to the state general fund.

15 N. A records processing fund is established for the purpose of
16 separately accounting for the collection and payment of fees for department
17 reports and photographs of traffic accident scenes processed by the
18 department. Monies collected for this purpose shall be credited to the fund
19 and shall be used by the department in support of functions related to
20 providing copies of department reports and photographs. At the end of each
21 fiscal year, any balance in the fund not required for support of the
22 functions related to providing copies of department reports and photographs
23 reverts to the state general fund.

24 O. The department of economic security may pay from appropriated
25 monies the cost of federal fingerprint processing or federal criminal history
26 record information checks that are authorized by law for employees and
27 volunteers of the department, guardians pursuant to section 46-134,
28 subsection A, paragraph 15, the licensing of foster parents or the
29 certification of adoptive parents.

30 P. The director shall adopt rules that provide for:

31 1. The collection and disposition of fees pursuant to this section.

32 2. The refusal of service to those agencies that are delinquent in
33 paying these fees.

34 Q. The director shall ensure that the following limitations are
35 observed regarding dissemination of criminal justice information obtained
36 from the central state repository or through the Arizona criminal justice
37 information system:

38 1. Any criminal justice agency that obtains criminal justice
39 information from the central state repository or through the Arizona criminal
40 justice information system assumes responsibility for the security of the
41 information and shall not secondarily disseminate this information to any
42 individual or agency not authorized to receive this information directly from
43 the central state repository or originating agency.

44 2. Dissemination to an authorized agency or individual may be
45 accomplished by a criminal justice agency only if the dissemination is for

1 criminal justice purposes in connection with the prescribed duties of the
2 agency and not in violation of this section.

3 3. Criminal history record information disseminated to noncriminal
4 justice agencies or to individuals shall be used only for the purposes for
5 which it was given. Secondary dissemination is prohibited unless otherwise
6 authorized by law.

7 4. The existence or nonexistence of criminal history record
8 information shall not be confirmed to any individual or agency not authorized
9 to receive the information itself.

10 5. Criminal history record information to be released for noncriminal
11 justice purposes to agencies of other states shall only be released to the
12 central state repositories of those states for dissemination in accordance
13 with the laws of those states.

14 6. Criminal history record information shall be released to
15 noncriminal justice agencies of the federal government pursuant to the terms
16 of the federal security clearance information act (P.L. 99-169).

17 R. This section and the rules adopted under this section apply to all
18 agencies and individuals collecting, storing or disseminating criminal
19 justice information processed by manual or automated operations if the
20 collection, storage or dissemination is funded in whole or in part with
21 monies made available by the law enforcement assistance administration after
22 July 1, 1973, pursuant to title I of the crime control act of 1973, and to
23 all agencies that interact with or receive criminal justice information from
24 or through the central state repository and through the Arizona criminal
25 justice information system.

26 S. This section does not apply to criminal history record information
27 contained in:

28 1. Posters, arrest warrants, announcements or lists for identifying
29 or apprehending fugitives or wanted persons.

30 2. Original records of entry such as police blotters maintained by
31 criminal justice agencies, compiled chronologically and required by law or
32 long-standing custom to be made public if these records are organized on a
33 chronological basis.

34 3. Transcripts or records of judicial proceedings if released by a
35 court or legislative or administrative proceedings.

36 4. Announcements of executive clemency or pardon.

37 5. Computer databases, other than the Arizona criminal justice
38 information system, that are specifically designed for community notification
39 of an offender's presence in the community pursuant to section 13-3825 or for
40 public informational purposes authorized by section 13-3827.

41 T. Nothing in this section prevents a criminal justice agency from
42 disclosing to the public criminal history record information that is
43 reasonably contemporaneous to the event for which an individual is currently
44 within the criminal justice system, including information noted on traffic

1 accident reports concerning citations, blood alcohol tests, intoxilyzer tests
2 or arrests made in connection with the traffic accident being investigated.

3 U. In order to ensure that complete and accurate criminal history
4 record information is maintained and disseminated by the central state
5 repository:

6 1. The arresting authority shall take legible fingerprints of all
7 persons arrested for offenses specified in subsection C of this section and,
8 within ten days of the arrest, the arresting authority shall forward the
9 fingerprints to the department in the manner or form required by the
10 department. On the issuance and service of a summons for a defendant who is
11 charged with a felony offense, a violation of title 13, chapter 14 or title
12 28, chapter 4 or a domestic violence offense as defined in section 13-3601,
13 the court shall order that the defendant be fingerprinted by the appropriate
14 law enforcement agency and that the defendant appear at a designated time and
15 place for fingerprinting. At the initial appearance or on the arraignment
16 of a summoned defendant who is charged with a felony offense, a violation of
17 title 13, chapter 14 or title 28, chapter 4 or a domestic violence offense
18 as defined in section 13-3601, the court shall order that the defendant be
19 fingerprinted at a designated time and place by the appropriate law
20 enforcement agency if the court has reasonable cause to believe that the
21 defendant was not previously fingerprinted.

22 2. In every criminal case in which the defendant is incarcerated or
23 fingerprinted as a result of the charge, an originating law enforcement
24 agency or prosecutor, within forty days of the disposition, shall advise the
25 central state repository of all dispositions concerning the termination of
26 criminal proceedings against an individual arrested for an offense specified
27 in subsection C of this section. This information shall be submitted on a
28 form or in a manner required by the department.

29 3. Dispositions resulting from formal proceedings in a court having
30 jurisdiction in a criminal action against an individual who is arrested for
31 an offense specified in subsection C of this section or section 8-341,
32 subsection R shall be reported to the central state repository within forty
33 days of the date of the disposition. This information shall be submitted on
34 a form or in a manner specified by rules approved by the supreme court.

35 4. The state department of corrections or the department of juvenile
36 corrections, within forty days, shall advise the central state repository
37 that it has assumed supervision of a person convicted of an offense specified
38 in subsection C of this section or section 8-341, subsection R. The state
39 department of corrections or the department of juvenile corrections shall
40 also report dispositions that occur thereafter to the central state
41 repository within forty days of the date of the dispositions. This
42 information shall be submitted on a form or in a manner required by the
43 department of public safety.

44 5. Each criminal justice agency shall query the central state
45 repository before dissemination of any criminal history record information

1 to ensure the completeness of the information. Inquiries shall be made
2 before any dissemination except in those cases in which time is of the
3 essence and the repository is technically incapable of responding within the
4 necessary time period. If time is of the essence, the inquiry shall still
5 be made and the response shall be provided as soon as possible.

6 V. The director shall adopt rules specifying that any agency that
7 collects, stores or disseminates criminal justice information that is subject
8 to this section shall establish effective security measures to protect the
9 information from unauthorized access, disclosure, modification or
10 dissemination. The rules shall include reasonable safeguards to protect the
11 affected information systems from fire, flood, wind, theft, sabotage or other
12 natural or man-made hazards or disasters.

13 W. The department shall make available to agencies that contribute
14 to, or receive criminal justice information from, the central state
15 repository or through the Arizona criminal justice information system a
16 continuing training program in the proper methods for collecting, storing and
17 disseminating information in compliance with this section.

18 X. Nothing in this section creates a cause of action or a right to
19 bring an action including an action based on discrimination due to sexual
20 orientation.

21 Y. For purposes of this section:

22 1. "Administration of criminal justice" means performance of the
23 detection, apprehension, detention, pretrial release, post-trial release,
24 prosecution, adjudication, correctional supervision or rehabilitation of
25 criminal offenders. Administration of criminal justice includes enforcement
26 of criminal traffic offenses and civil traffic violations, including parking
27 violations, when performed by a criminal justice agency. Administration of
28 criminal justice also includes criminal identification activities and the
29 collection, storage and dissemination of criminal history record information.

30 2. "Administrative records" means records that contain adequate and
31 proper documentation of the organization, functions, policies, decisions,
32 procedures and essential transactions of the agency and that are designed to
33 furnish information to protect the rights of this state and of persons
34 directly affected by the agency's activities.

35 3. "Arizona criminal justice information system" or "system" means
36 the statewide information system managed by the director for the collection,
37 processing, preservation, dissemination and exchange of criminal justice
38 information and includes the electronic equipment, facilities, procedures and
39 agreements necessary to exchange this information.

40 4. "Central state repository" means the central location within the
41 department for the collection, storage and dissemination of Arizona criminal
42 history records and related criminal justice information.

43 5. "Criminal HISTORY record information" and "criminal HISTORY
44 record" means information that is collected by criminal justice agencies on
45 individuals and that consists of identifiable descriptions and notations of

1 arrests, detentions, indictments and other formal criminal charges, and any
2 disposition arising from those actions, sentencing, formal correctional
3 supervisory action and release. Criminal history record information and
4 criminal history record do not include identification information to the
5 extent that the information does not indicate involvement of the individual
6 in the criminal justice system or information relating to juveniles unless
7 they have been adjudicated as adults.

8 6. "Criminal justice agency" means either:

9 (a) A court at any governmental level with criminal or equivalent
10 jurisdiction, including courts of any foreign sovereignty duly recognized by
11 the federal government.

12 (b) A government agency or subunit of a government agency that is
13 specifically authorized to perform as its principal function the
14 administration of criminal justice pursuant to a statute, ordinance or
15 executive order and that allocates more than fifty per cent of its annual
16 budget to the administration of criminal justice. This subdivision includes
17 agencies of any foreign sovereignty duly recognized by the federal
18 government.

19 7. "Criminal justice information" means information that is collected
20 by criminal justice agencies and that is needed for the performance of their
21 legally authorized and required functions, such as criminal history record
22 information, citation information, stolen property information, traffic
23 accident reports and wanted persons information. Criminal justice
24 information does not include the administrative records of a criminal justice
25 agency.

26 8. "Disposition" means information disclosing that a decision has
27 been made not to bring criminal charges or that criminal proceedings have
28 been concluded or information relating to sentencing, correctional
29 supervision, release from correctional supervision, the outcome of an
30 appellate review of criminal proceedings or executive clemency.

31 9. "Dissemination" means the written, oral or electronic
32 communication or transfer of criminal justice information to individuals and
33 agencies other than the criminal justice agency that maintains the
34 information. Dissemination includes the act of confirming the existence or
35 nonexistence of criminal justice information.

36 10. "Management control":

37 (a) Means the authority to set and enforce:

38 (i) Priorities regarding development and operation of criminal
39 justice information systems and programs.

40 (ii) Standards for the selection, supervision and termination of
41 personnel involved in the development of criminal justice information systems
42 and programs and in the collection, maintenance, analysis and dissemination
43 of criminal justice information.

44 (iii) Policies governing the operation of computers, circuits and
45 telecommunications terminals used to process criminal justice information to

1 the extent that the equipment is used to process, store or transmit criminal
2 justice information.

3 (b) Includes the supervision of equipment, systems design,
4 programming and operating procedures necessary for the development and
5 implementation of automated criminal justice information systems.

6 11. "Process control number" means the Arizona automated fingerprint
7 identification system number that attaches to each arrest event at the time
8 of fingerprinting and that is assigned to the arrest fingerprint card,
9 disposition form and other pertinent documents.

10 12. "Secondary dissemination" means the dissemination of criminal
11 justice information from an individual or agency that originally obtained the
12 information from the central state repository or through the Arizona criminal
13 justice information system to another individual or agency.

14 13. "Sexual orientation" means consensual homosexuality or
15 heterosexuality.

16 14. "Subject of record" means the person who is the primary subject of
17 a criminal justice record.

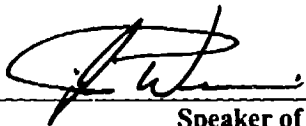
APPROVED BY THE GOVERNOR APRIL 24, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2001.

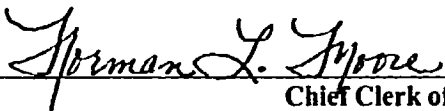
Passed the House April 11, 20 01

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting



Speaker of the House

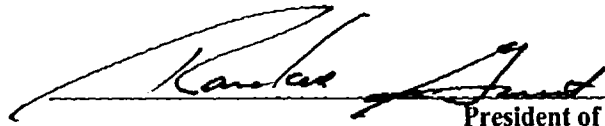


Chief Clerk of the House

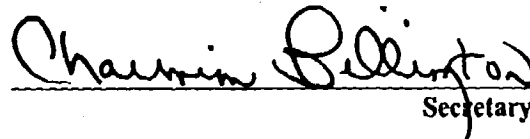
Passed the Senate March 14, 20 01

by the following vote: 27 Ayes,

3 Nays, 0 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

Approved this _____ day of

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

S.B. 1482

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

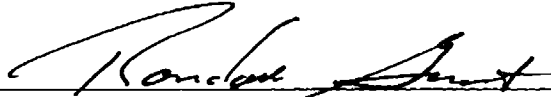

~~_____
Secretary of State~~

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 19, 2001,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

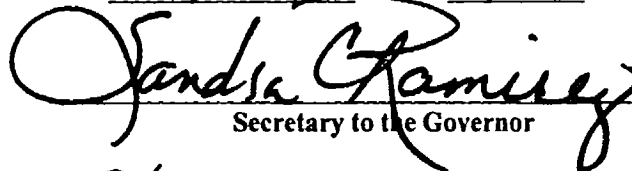

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19 day of April, 2001,

at 4:00 o'clock P M.


Secretary to the Governor

APPROVED THIS 24 day of

April, 2001,

at 4:15 o'clock P M.

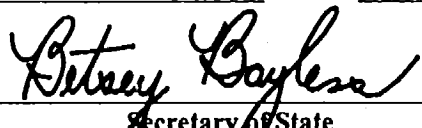

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 25 day of April, 2001,

at 4:45 o'clock P M.


Secretary of State

S.B. 1482